

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/2/2025

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANA CARRASQUILLO, *on behalf of herself,
FLSA Collective Plaintiffs, and the Class,*

Plaintiff,

-against-

WESTECH SECURITY AND
INVESTIGATION INC.,

Defendant.

23-cv-04931 (MKV)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff Ana Carrasquillo brings this action under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201, *et seq.*, and the New York Labor Law (“NYLL”) against Defendant Westech Security and Investigation Inc.. Before the Court is a motion by Plaintiff for conditional certification of a collective action under the FLSA and for approval of her proposed notice to the collective. [ECF No. 64, (“Motion”)]. In support of her Motion, Plaintiff submitted a memorandum of law in support, [ECF No. 65, (“Pl. Mem.”)], a declaration of C.K. Lee, Esq. attaching five exhibits [ECF No. 66], including the proposed notice [ECF No. 66-1, (“Proposed Notice”) and a declaration of Plaintiff [ECF No. 67].

On April 23, 2025, Magistrate Judge Figueredo issued a Report and Recommendation, [ECF No. 78, (“R&R”)] recommending that (1) Plaintiff’s motion for conditional collective certification be granted only as to all similarly situated security guards employed by Defendant in New York State on or after October 18, 2021, and denied as to patrol drivers and site supervisors, (2) Plaintiff’s Proposed Notice be approved as modified therein, and that distribution by mail, e-mail, and text message be authorized, (3) Defendant be ordered to produce to Plaintiff the names, dates of employment, addresses, mobile telephone numbers, e-mail addresses, titles, and

compensation rates of potential class members, but not social security numbers, and (4) the statute of limitations be tolled from the date of the filing the Motion (October 18, 2024), until the date of an Order by this Court on Plaintiff's motion. R&R at 24.

By statute, a district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Parties may raise "specific," "written" objections to the report and recommendation "[w]ithin fourteen days after being served with a copy." *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *PIRS Cap., LLC v. Chen*, 2024 WL 3938367, at *1 (S.D.N.Y. Aug. 26, 2024); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

As noted in the Report and Recommendation, any objections were due on or before May 7, 2025. No objections to Magistrate Judge Figueredo's Report and Recommendation were filed, nor has the Court received any untimely objections as of the date of this Order. The reasoning and conclusions of Magistrate Judge Figueredo's Report and Recommendation are sound and well-supported, and the Court, finding no clear error, therefore adopts them entirely. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for collective action certification [ECF No. 64] is GRANTED as to all similarly situated security guards employed by Defendant in New York State on or after October 18, 2021. The Motion is DENIED with respect to Plaintiff's request to include in the potential collective patrol drivers and site supervisors.

IT IS FURTHER ORDERED that Plaintiff's Proposed Notice is approved as modified by the Report and Recommendation, and that distribution of the forthcoming amended proposed notice by mail, e-mail, and text message is authorized. IT IS FURTHER ORDERED that within two weeks of this Order, Plaintiff shall submit an amended proposed notice for Court approval.

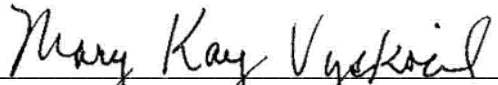
IT IS FURTHER ORDERED that within two weeks of this Order Defendant is directed to produce to Plaintiff the names, dates of employment, addresses, mobile telephone numbers, e-mail addresses, titles, and compensation rates of potential class members. Social security numbers need NOT be provided.

IT IS FURTHER ORDERED that the statute of limitations is tolled from the date of the filing of the Motion (October 18, 2024) until the date of this Order.

The Clerk of Court respectfully is requested to terminate the letter motion pending at docket entry 64.

SO ORDERED.

Date: June 2, 2025
New York, NY



MARY KAY VYSKOCIL
United States District Judge